



CHRIS CHRISTIE
GOVERNOR

KIM GUADAGNO
LT. GOVERNOR

STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
SOUTH SHORE REGIONAL OFFICE
1325 BOARDWALK
TENNESSEE AVENUE & BOARDWALK
ATLANTIC CITY, NJ 08401

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL

CRAIG SASHIHARA
DIRECTOR

February 7, 2017

Kenia Nunez-Acuna, Business Administrator
Township of Buena Vista
890 Harding Highway
P.O. Box 605
Buena Vista, New Jersey 08310

Re: Richard P. Calareso v. Township of Buena Vista
Docket No.: EA05UB-66305

Dear Ms. Nuez-Acuna:

Enclosed is a formal complaint setting forth alleged discriminatory practices in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq., which is served upon you in accordance with N.J.A.C 13:4-2.8 of the Division on Civil Rights' Rules of Practice and Procedure.

N.J.A.C 13:4-3 Service, Form and Content of Answers

The Rules of Practice and Procedure require that the respondents serve upon the Division on Civil Rights (DCR) a written explanatory answer to the complaint within twenty days after receipt of the verified complaint (N.J.A.C. 13:4-3.1). The respondent shall serve a copy of the answer on the complainant within three days of filing of the answer (N.J.A.C. 13:4-3.3).

The answer to the verified complaint shall admit or deny each allegation of the verified complaint, and shall fully and completely advise the parties and DCR the nature of the respondent's defenses to each claim asserted. Denials shall fairly meet the substance of the allegations denied. A respondent who intends in good faith to deny only part of an allegation shall specify so much of it as is true and material and deny only the remainder. The respondent may not generally deny all the allegations but shall make the denials as specific denials of designated allegations. Any answer setting forth an affirmative defense to an allegation shall be taken as denying the allegation (N.J.A.C. 13:4-3.2). Correspondence should be directed to the attention of the Regional Manager, at the above address.

A respondent may submit in writing any other relevant evidence with respect to this complaint, including a proposal for settlement. Such information will be made part of the file and will be considered



TELEPHONE 609-441-3100

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by DCR during the course of this investigation.

Document & Information Requests

In addition to filing an Answer, you are required to respond to the enclosed Document & Information Request within twenty days. If you do not provide DCR with the requested documents and responses within twenty days, DCR may issue a subpoena for recovery of the information. You are also required to retain all information pertinent to this complaint while this complaint is pending.

Extensions

Any respondent seeking an extension to file an answer or other information may request an extension of no more than ten days from the regional manager, at the above address. The request must be in writing and must be received before the original due date. Requests for any additional extension must will be granted only in extraordinary circumstances.

N.J.A.C 13:4-1 Notice of Appearance

Respondents who obtain legal representation are advised to inform their representative that DCR requires a Notice of Appearance to be submitted to the office handling the complaint. Failure to comply with this requirement will preclude your attorney from representing your interest before this agency.

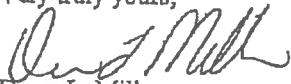
Contact Information

Respondents shall promptly notify the Division of any change in address, telephone number or email address, or any other material change in status (such as a bankruptcy filing or ceasing to operate as an on-going concern) at all times while the verified complaint is pending.

In further correspondence, please include the above docket number. Inquiries should be directed to Ron White, Investigator, at telephone number (609) 441-3573 between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.

Thank you for your prompt attention in this matter.

Very truly yours,


Diane L. Miller
Regional Manager

Enc: Verified Complaint
 Document and Information Request
 EEOC Service Letter
 Method of Service of Pleadings

Certified Mail # 7014 1820 0001 8211 3692



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Philadelphia District Office

801 Market St.
Penthouse Ste. 1300
Philadelphia, PA 19107
(215) 440-2600
TTY (215) 440-2610
FAX (215) 440-2612, 2448 & 2604

EEOC Charge No. 17E-2017-00116 NJDCR Charge No. EA05UB-66305

NOTICE OF CHARGE OF DISCRIMINATION

You are hereby notified that the above-referenced charge of employment discrimination has been received by the New Jersey Department of Law and Public Safety, Office of the Attorney General Division on Civil Rights (NJDCR) and sent to the EEOC for dual-filing purposes. This Notice is being sent to you by the NJDCR, on behalf of EEOC, simultaneously with NJDCR's notification to you of the filing of the charge with NJDCR. The charge has been assigned the EEOC and NJDCR charge numbers shown above. A copy of the charge is included with these Notices.

While EEOC has jurisdiction (upon the expiration of any 60-day deferral requirement if this is a Title VII or ADA charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of NJDCR's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that there has been a violation of the statute(s) administered by EEOC.

You are therefore urged to cooperate fully with the NJDCR. All facts and evidence provided by you to the NJDCR in the course of its proceedings will be considered by EEOC when it reviews the NJDCR's final findings and orders. In many instances the EEOC will take no further action, thereby avoiding the necessity of an investigation by both the NJDCR and the EEOC. This likelihood is increased by your full cooperation with the NJDCR.

As a party to the charge, you may request that EEOC review the NJDCR's final decision and order. For such a request to be honored, you must notify the EEOC in writing within 15 days of your receipt of NJDCR's final closure notification. Such a request should be forwarded to EEOC at the address shown in the letterhead above, to the attention of the State and Local Unit. If the NJDCR terminates its processing without issuing a final finding and order or the charge is otherwise one which requires further EEOC processing, you will be contacted further by EEOC. Regardless of whether the NJDCR or EEOC process the charge, the Recordkeeping and non-retaliation provisions of Title VII, the ADA and the ADEA as explained in the "EEOC Rules and Regulations" apply.

FEBRUARY 7, 2017

Date

Spencer H. Lewis, Jr.

Spencer H. Lewis, Jr.
District Director

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DOCKET NUMBER: EA05UB-66305
FEDERAL CHARGE#:

RICHARD P CALARESO,
COMPLAINANT,

-vs-

TOWNSHIP OF BUENA VISTA,
RESPONDENT.

}
}
} Verified Complaint
} Received and Recorded
} Date: 02/02/2017
} Department of Law and Public Safety
} Division on Civil Rights
} By REW
}
}

1. The Complainant resides at:

RICHARD P CALARESO
950 LENAPE DRIVE
CAPE MAY NJ 08204
CAPE MAY COUNTY

2. To the best of Complainant's knowledge and belief, the Respondent is known as: TOWNSHIP OF BUENA VISTA and is located at:

TOWNSHIP OF BUENA VISTA
430 UNION ROAD
BUENA VISTA NJ 08310
ATLANTIC COUNTY

3. Charge of Discrimination:

The above named Respondent is hereby charged with unlawful discrimination in violation of the named statutes with respect to the following charges:

3.1 Sexual Harassment because of Sexual Harassment in violation of NJ Law Against Discrimination(NJSA 10:5-12a)

3.2 Sexual Harassment because of Sexual Harassment in violation of Title VII - Civil Rights Act of 1964, as amended(Title VII)

4. THE CHARGE IS BASED ON THE FOLLOWING:

4.1 Complainant belongs to a protected class, in that, he is male.

4.2 Respondent hired Complainant as a laborer in November 2011 and assumed the position of director in 2003.

4.3 Complainant alleges that Respondent's business administrator, Kenia Nunez-Acuna, asked him for a hug at least seven times on December 30, 2016.

4.4 Complainant alleges that Respondent's business administrator, Kenia Nunez-Acuna, chased after him and pushed her arm under his arm to make it appear as though the two were walking arm and arm on December 30, 2016.

4.5 Complainant alleges that Respondent's business administrator, Kenia Nunez-Acuna, said to him "Now that I bought you all your equipment I want a hug" on December 30, 2016.

4.6 Complainant alleges that as Respondent's business administrator, Kenia Nunez-Acuna, attempted to hug him she forcibly pushed her breast against Complainant three times on December 30, 2016.

5. DISCRIMINATION STATEMENT:

5.1 Complainant alleges he was discriminated against because of his sex in that the Respondent's business administrator, Kenia Nunez-Acuna, made repeated requests for physical contact which Complainant denied.

5.2 Complainant further alleges that Respondent's business administrator, Kenia Nunez-Acuna, made unwelcomed direct physical contact with him.

6. Said acts of discrimination occurred in the County of ATLANTIC in the State of New Jersey.
7. The Complainant requests whatever relief is provided by law including, but not limited to, compensatory damages for economic loss, humiliation, mental pain and suffering.
8. The Complainant has not instituted action in any court, either criminal or civil, regarding this matter.



RICHARD P CALARESO
COMPLAINANT

STATE OF NEW JERSEY)
) SS:
COUNTY OF ATLANTIC)

RICHARD P CALARESO of full age certifies that he is the complainant name in this complaint, that he has read and understands this complaint, and that to the best of his knowledge, information and belief, these facts alleged in this complaint are true.



RICHARD P CALARESO
COMPLAINANT

NOTICE

METHOD OF SERVICE OF PLEADINGS

PLEASE BE ADVISED OF THE FOLLOWING RULES GOVERNING SERVICE OF
PLEADINGS IN MATTERS PENDING BEFORE THE DIVISION ON CIVIL RIGHTS.

The Division on Civil Rights' rules of practice and procedure provide that:

(a) Prior to transmittal to OAI, unless otherwise instructed by the Director, every order and subsequent pleading to the original complaint, every motion and every written notice, brief or memorandum of law shall be served by mailing copies to all parties, by registered or certified mail, return receipt requested, within three days of said filing.

(b) Such document shall not be deemed served until an affidavit of mailing to all other parties is filed with the Division at the time of or subsequent to filing the pleading.

(c) When any party has appeared through or is represented by an attorney, service upon such attorney shall be deemed valid service upon the party in all cases unless timely written notice of withdrawal or substitution of such attorney is served upon the Director and all other parties.

N.J.A.C. 13:4-7.1. Pleadings include "complaints, answers, amendments to complaints and answers, motions and orders of the Director." N.J.A.C. 13:4-5.1.

Therefore, all parties, upon filing with the Division any complaint, answer, amendment to a complaint and answer, motion, brief or memorandum of law, must adhere to the above service requirements, including but not limited to mailing copies to all parties to the proceeding's by registered or certified mail. In the interest of justice, including when a party is unrepresented by counsel, these requirements may be relaxed. N.J.A.C. 13:4-1.2(b).